

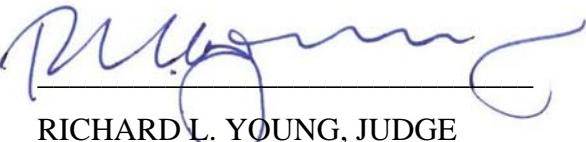
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CATALIN M. NICOLESCU,)
Plaintiff,)
vs.) 1:06-cv-1538-RLY-TAB
MICHAEL R. MORRIS,)
Defendant.)

ORDER ON DEFENDANT'S MOTION TO DISMISS

Defendant, Michael R. Morris, moves to dismiss Plaintiff's Complaint for failure to serve him with process in accordance with the Federal Rules of Civil Procedure. After reading Plaintiff's response, Defendant now states that he has no objection to the court ordering that proper service be had within 120 days from the time Plaintiff filed her Complaint (i.e., January 19, 2007) as required by FED.R.CIV.P. 4(m), or, in the alternative, to order Plaintiff to forward a waiver of service to Defendant in compliance with FED.R.CIV.P. 4(d). Accordingly, Defendant's motion is **DENIED**.

SO ORDERED this 20th day of December 2006.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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